



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 21, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2018OPA-0842

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
# 2	5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Sustained
Imposed Discipline		
Terminated Prior to Proposed DAR		

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that the Named Employee violated the law and acted unprofessionally when he was arrested for drunk driving.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties 10. Employees Shall Strive to be Professional

On August 26, 2018, Named Employee #1 (NE#1), then employed by SPD, was pulled over by King County Sheriff's Office (KCSO) Deputies. The Deputies developed probable cause to arrest NE#1 for DUI and took him into custody. After his arrest, NE#1 provided two breath samples, both of which were significantly over the legal limit (.166 and .154 respectively). NE#1 was later charged with reckless driving by the King County Prosecuting Attorney's Office. He pleaded guilty to that charge on March 3, 2021.

As NE#1's employment was terminated based on another matter, he was unavailable to be interviewed in this case. However, he did provide written responses to questions posed by OPA. As part of his answers, NE#1 stated the following:

On 8-26-18 I made one of the biggest mistakes of my life by consuming alcohol and driving. My actions have had life changing consequences. I took responsibility and enrolled in an Alcohol treatment program immediately which I completed after 1 Year. I had a breathalyzer installed in my vehicle throughout my treatment program. I forfeited



my Class A CDL and the financial impact has affected my family tremendously. The shame and embarrassment of my actions still weighs heavy on my mind every day. I truly apologize for my actions. This will never happen again.

NE#1 also acknowledged that his conduct in this matter was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.)

As recognized by NE#1, OPA finds that he violated the Department’s professionalism policy by drinking and driving. OPA concludes that this undermined public trust and confidence in him, as a law enforcement officer. Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

As with the professionalism allegation discussed above, NE#1 also admitted that his actions were contrary to law. This is further established by the results of his breath tests and his pleading guilty to reckless driving.

Accordingly, OPA also recommends that this allegation be Sustained.

Recommended Finding: **Sustained**